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THE
PROCEEDINGS

ON

HIS MAJESTY'S COMMISSION

OF

OYER and TERMINER, and GOAL DELIVERY

FOR THE

High Court of Admiralty of *England*,

HELD AT

JUSTICE-HALL in the OLD-BAILEY,

On FRIDAY the 27th of FEBRUARY, 1767;

Before the Right Worshipful

Sir THOMAS SALUSBURY, Knt. LL.D.

JUDGE of the High Court of ADMIRALTY;

The Hon. Sir SYDNEY STAFFORD SMYTHE, Knt.

One of the Barons of His Majesty's Court of EXCHEQUER;

The Honourable JAMES HEWITT, Esq;

One of the Justices of His Majesty's Court of KING'S-BENCH;

And Others HIS MAJESTY'S Commissioners.

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T H E P R O C E E D I N G S

On His Majesty's Commission of Oyer and Terminer, and
Goal Delivery, for the

High Court of Admiralty of *England*;

Before the Right Worshipful Sir THOMAS SALUSBURY, Knt. LL.D.
Judge of the High Court of Admiralty; the Honourable Sir SYDNEY
STAFFORD SMYTHE, one of the Barons of His Majesty's Court of
EXCHEQUER; the Honourable JAMES HEWITT, Esq; one of the
Justices of His Majesty's Court of KING'S BENCH; and others His
Majesty's Commissioners of Oyer and Terminer, and Goal Delivery for
the Admiralty of *England*.

A Bill of indictment was found by the
Grand Inquest against John Winn,
otherwise Power, Robert Fitzgerald,
and John Putt, otherwise Potts, late of Lon-
don, mariners, for that they not having the fear
of God before their eyes, but being moved and
seduced by the instigation of the devil, on the
16th day of April, in the sixth year of the reign
of our Sovereign Lord George the Third,
King of Great-Britain, &c. the said John
Winn, Robert Fitzgerald, and John Putt,
then being in and on board a certain merchant
ship called the Polly, then belonging to certain
subjects of our Lord the King, with force and
arms upon the high seas, within the jurisdiction
of the admiralty of England, about three leagues
from Cape Apollonia on the coast of Africa,
in parts beyond the seas, in and upon a certain
negro man, then and there being in the peace
of God and our Lord the King, and then and
there being in and on board the same ship, fe-
loniously, wilfully, and of their malice afore-
thought, did make an assault, and the said
Winn with a certain cutlass made of iron and
steel, of the value of two shillings, which he
the said John Winn in his right hand then and
there had, and held him the said negro man, to
the jurors unknown, in and upon the neck, and
in and upon the left side of the breast of the said

negro man, then and there upon the high seas
aforesaid, and within the jurisdiction aforesaid,
feloniously, wilfully, and of his malice afore-
thought did strike and cut, giving to him the
said negro man, with the said cutlass, in and
upon the said neck of the said negro man, one
mortal wound of the breadth of five inches, and
of the depth of five inches, and giving to him
in and upon the left side of the breast another
mortal wound, of the breadth of five inches, and
of the depth of five inches, of which said mor-
tal wounds he the said negro man instantly
died; and that the said Robert Fitzgerald and
John Putt at the time of committing the said
felony and murder, were present, aiding, abet-
ting, assisting, comforting, and maintaining the
said John Winn.

To this indictment John Winn pleaded Not
Guilty; and for his trial, put himself on God
and his country; whereupon the following gen-
tlemen were sworn upon the jury;

Charles Madox Hardy,	William Abdy,
<i>Foreman,</i>	John Scott,
William Bruce,	John Read,
Joseph Malpas,	John Gresham,
John Banks,	Abraham North,
John Bottomley,	Thomas Harding.
John Curtis,	

- Samuel

Samuel Wells sworn.

Samuel Wells. I belonged to the Albany, a merchant vessel; the prisoner John Winn, who styled himself Capt. Power, was a foremast-man on board the Polly; I was sent on board her (with six others) at Bassan, on the coast of Africa, to lend a hand to work her down to Anamaboe in April last, I cannot tell the day of the month.

Q. When you went on board the Polly, who was master of her?

Wells. John Fox was master; as we were going to Anamaboe, we stopped at Cape Apollonia, after sailing, I think, two days; we staid there only one night; Capt. Fox went on shore; I, Robert Fitzgerald, William Hughes, and John Tomlin, had the watch upon deck, between eight and nine in the evening; the prisoner was below; I observed a mutiny among them that had the watch; I believe some of them went and called the others up that were below; John Winn the prisoner came up upon the quarter deck to me, and asked me if I saw a canoe coming; I said, no: then he took hold of my nose, and said, *upon pain of your life don't speak a word.* Then he went down into the cabin, and handed up some pistols to William Hughes (I cannot tell how many;) Hughes went down upon the main deck with them; then the prisoner came up again, and ordered me to go and loose the sails; I was sitting still in the same place where he left me: I went and loosened the sails; then I went down upon the main deck, and heard a pistol go off; I stood then under the awning; I soon heard the mate was shot through the shoulder. The prisoner and others were armed all night; he came forward to Peter Jourdan and threatened to blow his brains out if he did not do as he ordered him.

Q. Did you hear him order him to do any thing?

Wells. Yes, he ordered him to go and fetch some grog (that is rum and water;) they kept drinking heartily all night, and in the morning they called all hands up to swear to be true to Capt. Power of the Bravo; the prisoner called himself, Capt. Power, and altered the ship's name to that of the Bravo; the prisoner

put a pistol into Peter Jourdan's mouth, and threatened he would blow his brains out; then the prisoner, John Potts, William Hughes, Robert Fitzgerald, and John Tomlin, ordered us aft.

Q. Was Tomlin armed?

Wells. He was not at first; we went aft; then William Hughes had got a prayer book that belonged to the prisoner, to swear us all.

Q. Who required you to take an oath?

Wells. Potts, and all of them that were concerned together; the prisoner was then standing at the table with a brace of pistols in his hands.

Court. Repeat the words made use of when you were required to swear.

Wells. It was, to swear to be true to Capt. Power of the Bravo, and to one another, and obey his command. The prisoner shot Adam Mercer through the cheek while they were swearing; he was just come up upon deck.

Q. Did the prisoner give any reason for so doing?

Wells. No, he did not; I don't know whether the pistol went off by accident or not.

Q. Did Mercer die?

Wells. No, he did not. In two or three days after, there was a black fellow splitting some wood forward; this was after we were out at sea, going a pirating to the windward; the black was making motions to the slaves, and he threw something overboard; upon that Robert Fitzgerald went and told the prisoner.

Q. What was that black?

Wells. He was a freeman belonging to Bassan. The prisoner came down from the quarter deck, and lashed him up to the rail by his hands, and his feet to a handspike, and took a cat-of-nine-tails and flogged him as long as he could, till the prisoner was almost tired.

Q. How long might he be in flogging of him?

Wells. He was flogging him three or four minutes; he would not have patience no longer to flog him; he took a cutlass from out of the boat, and fell to cutting him all round the body; he cut him downright, and wounded him much.

Q. How many cuts might he give him?

Wells. I can't be positive to how many.

Q. Where was you at the time?

Wells.

Wells. I was aft under the awning, about three or four yards from the prisoner; then he called for another cutlass, saying that was not good enough; he ordered me to go and get another; I went and brought him up another; then he fell to cutting him again; he cut him about the head and round the body, he did not mind where he cut him; then the prisoner ordered Fitzgerald to give him a cut or two; he gave him two or three cuts; then he ordered John Potts to cut him, which he did, all with the second cutlass; the black bled mightily about the head and his body, before those two cut him; he was almost dead when Fitzgerald came, but life was in him; he could not speak.

Q. Was he kept tied then?

Wells. He was. Then Potts took a carpenter's broad ax and cut his head off, as he continued tied; I turned myself when he was looking for the ax.

Q. Did any bid him do it?

Wells. No, he did it out of his own head.

Q. Was the prisoner there all the time?

Wells. He was, till Potts cut his head off; then Potts threw the head and body overboard.

Cross examination.

Q. How many men were on board at this time?

Wells. There were thirteen.

Q. How many hands were sent from on board the Albany?

Wells. There were seven of us.

Q. How many men were armed?

Wells. There were six armed.

Q. What became of the other seven?

Wells. There were some of them asleep at first, but they were all awake when they took possession of the vessel.

Q. Did you hear any other pistol discharged?

Wells. I did, before that when Mercer was wounded.

Q. With respect to the thirteen, were they all armed?

Wells. No; there were none but the prisoner and his mate when they were sworn.

Q. Where was you when the negro was first insulted?

Wells. I was standing under the awning.

Q. Had you then a full view of the negro?

Wells. I had.

Q. Who were the persons nearest the prisoner?

Wells. Robert Fitzgerald, he acquainted the prisoner of him.

Q. Was Potts there?

Wells. He went down into the cabin and brought up a pistol.

Q. Who else were by?

Wells. There were three or four by; there were Jourdan and Tomlin by, some of the company were below, and some on the quarter deck.

Q. How far was the prisoner from the negro when Fitzgerald went to use the cutlass upon him?

Wells. After the prisoner delivered the hanger to him, I think he went away two or three yards and came back again.

Q. I ask you the condition of the negro when the prisoner left him to Fitzgerald, was he not alive, and might have lived?

Wells. No, Sir, he could not live after he was cut to that degree; he was cut all round about his sides and his head; he had been quite mad, and cried out very much, but he was almost dead before Fitzgerald cut him.

Q. Had Fitzgerald cut him before the prisoner ordered him to cut him?

Wells. No, he had not.

Q. Did Fitzgerald ask him for the cutlass, or did the prisoner deliver it to him?

Wells. The prisoner delivered it to him.

Q. Do you not think the last strokes given by Fitzgerald, were much more violent than what the prisoner gave him?

Wells. I think the wounds he received first were the most violent.

Q. Was you armed?

Wells. No, I was not.

Q. How came you to stand by and see all this, and not strive to rescue the negro?

Wells. I was frightened, and afraid of my own life.

Q. Were the six that came with you from the other vessel with the mutineers?

Wells. There were some of one vessel and some of the other.

Q. Was the negro a sailor?

Wells. No, he was not; he was on board in pledge for slaves.

Q. from prisoner. Whether you or any of the people that belonged to the Albany, had not a design of running away with the ship Polly?

Wells. No, I never heard of such a design, neither before we came on board or after.

Q. How many of the seven that came from the Albany, were engaged in the mutiny?

Wells. There were five of them; that is, Richard Thomas, Thomas Hughes, John Potts, Robert Fitzgerald, and Charles Day; Adam Mercer was the other that came from the Albany, but he was not engaged with them, he and I were not concerned in it.

Q. From the circumstances that appeared to you from the oath that was taken, the orders given, the pistol going off, and the like, do you apprehend that the prisoner was actuated by fear to do what he did?

Wells. I believe he was willing to do what he did.

Q. Did any body threaten him to make him tie the man up?

Wells. No.

Q. Did any body order him to take the cutlafs and cut him?

Wells. No.

Q. Did any body order him to take the second cutlafs?

Wells. No.

Q. Did any body threaten him or force him to use the negro as he did.

Wells. No, nobody forced him.

Q. Was it a part of the oath to whip or cut him with a cutlafs?

Wells. No.

Peter Jourdan sworn.

Peter Jourdan. I was a mariner on board the schooner called the Polly, on the coast of Africa, John Fox was master; we were at the windward coast, trading for dust, ivory, and slaves.

Q. Was any other vessel there besides your vessel?

Jourdan. There was the Albany there.

Q. How many men had you on board.

Jourdan. There were six white men of us besides the captain; we wanted hands, because there was a pirate beating about to windward, so our captain borrowed seven men from the Albany.

Q. Mention their names?

Jourdan. There was Wells, and another they called Jumbo, his proper name was Adam Mercer, Charles Day, Richard Thomas, Jack Potts, Robert Fitzgerald, and Jack Hughes, we lay at Bassan.

Q. How long was it before you sailed from Bassan?

Jourdan. We sailed in two days; we went to Osney, and from thence to Cape Apollonia, that was the first of April last; our captain went on shore betwixt four and five o'clock in the afternoon.

Q. Did any body go with him?

Jourdan. No, he went by himself in a canoe; I was asleep upon a chest, on the larboard side the quarter deck, when they took the vessel away; when I awaked, I asked the prisoner if the captain was come on board; he said, no, he was not; then I said, how came you to put the ship on; he said they were chasing a pirate; he bid me go forward, and see if I saw the pirate; after I had been to look and saw none, I saw four or five of them armed with cutlasses and pistols; the prisoner appeared to be the captain, he took the command of the vessel, and went by the name of Capt. Power, and they called the ship the Bravo.

Q. Who did you hear call him Capt. Power?

Jourdan. Robert Fitzgerald did.

Q. Was that in the hearing of the prisoner?

Jourdan. Yes, it was; and several of them called him so. They were talking about killing me and Adam Mercer.

Q. Did you hear that?

Jourdan. I heard the crew talking of it.

Q. Where was the prisoner then?

Jourdan. He was upon the quarter deck with a pistol in his hand.

Q. Was he within the hearing of it?

Jourdan. I can't tell that; he called the chief mateout of the cabbins and fired a pistol at him, and wounded him in the shoulder.

Q. What

Q. What was the chief mate's name?

Fourdan. His name is Jenkins.

Q. What did the mate say?

Fourdan. He said, what my dear, my dear boatswain, what are you going to take my life away; the prisoner said, you bougre I'll heave you overboard. Tomlin was then upon the quarter deck; the prisoner called to his gang; he said, come here two of my gang, and heave this bougre overboard.

Q. What countryman is Jenkins?

Fourdan. He is a Welshman. They declined it; they thought the prisoner had not navigation enough, therefore they threw him into the cabin; then the prisoner came forward and said, where is the French bougre (meaning me;) I said, here I am, what do you want with me; he said, you and I have had a few words before now, and now I'll make an end of you; then Tomlin said, what signifies killing one another, we'll make them work the vessel for us, so there was nothing done to us. After that the prisoner called me aft, and desired me to go and get some water to make some grog for the men; I went and brought water, and was coming down the ladder with the grog, he was coming with a brace of pistols; I overset the grog and ran away; after that they began to drink and sing, and call, *Bravo! Bravo!* Between four and five o'clock that day, the prisoner came to me with a brace of pistols as I was sitting by the windless; he clapped one into my mouth, they were loaded and cocked; he said, I'll make an end of you; I fell on my knees directly, and begged very hard for my life; he said, the least saucy word you give to my ship's company I'll blow your brains out, and heave you overboard like another dog; he immediately after that went upon deck, and snapped a pistol at one W. Ainsworth five times; it did not go off; I had charged it three or four days before for the captain in the schooner; then the prisoner called all hands on board in order to take an oath, all the crew came aft.

Q. To take an oath to what?

Fourdan. To kiss the book to Capt. Power of the *Bravo*, that was given to us all; this was about five or six o'clock; then Adam Mercer was pitched upon to be killed that night.

Q. Were any body armed then?

Fourdan. The prisoner had a brace of pistols in his hands, so had his mate.

Q. Who was his mate?

Fourdan. His mate was Jack Potts; the prisoner fired a pistol at Jumbo as they called him, which was Mercer; there were three slugs went through his cheek, and two lodged in his neck, I cut them out afterwards with my lancet; I jumped immediately on the main deck, thinking I should be served the same, and the prisoner called after me, and said, what are you afraid of; I made myself better than I was; I said, I am not afraid: I would then have done any thing to save my life; that day they began to do their endeavour to beat up the river to take a Dutch snow, this was at the river Bassan; the current was too much against us we could not beat up to windward: the first land we saw, which was about three days after we seized the vessel, was Cape Apollonia; I tried to recover the vessel again, but could not; I had got two blunderbusses and some cutlasses, and put them in the boat, but found I could not carry it on, so I put the things in their places again; there was a negro man cutting some wood in the afternoon on the deck, and he happened to heave a chip overboard.

Q. What was that negro?

Fourdan. He was a freeman; he was there a pledge for two slaves; Robert Fitzgerald saw him do it; he acquainted the prisoner with it; the prisoner came upon the main deck in cool blood, and tied the black fellow up himself to the rails; then he overhauled him to see to find a knife; he found a knife in the black's pocket, (my name was upon the knife) I had lent it the black; the prisoner said, how came you to lend him a knife; I said, I lent it him to scrape the meat for us; then he took a cat, and flogged the black as long as he was able.

Q. How long was he a flogging him?

Fourdan. For half an hour very severely; after that he called for a cutlass and cut him with that.

Q. Who brought him the cutlass?

Fourdan. I can't remember that; he cut him about his body; he gave him three cuts with it, and then called for another cutlass, because that would not cut.

Q. Did he say it would not cut?

Fourdan.

Fourdan. He did; he had another brought him.

Q. Who brought that?

Fourdan. I can't remember who brought it; I know there was another brought.

Q. What distance was you from him?

Fourdan. I was within a couple of yards of him; then he cut him all over his head, and all over his body, and upon his knees, and stuck him with the point; the black was all over blood, and almost dead; he was out of his senses, quite raving, what with the flogging and cutting together; this lasted about an hour; then the prisoner called to Robert Fitzgerald to cut him.

Q. Could the black have lived if Fitzgerald had not cut him?

Fourdan. No, the poor fellow could not live, he was almost dead; to be sure the man's flesh might move, but he was just as dead, he hung with his head leaning down. The prisoner said, that was to make an example of him for you all.

Q. Did Fitzgerald cut him?

Fourdan. He did, with the same cutlafs; the prisoner delivered it to him; then Potts took a broad ax and cut his head off, and threwed the head and body overboard.

Q. Was the prisoner by when the negro's head was chopped off?

Fourdan. He was.

Q. Who untied him?

Fourdan. Potts cut the rope with the cutlafs, and he flapped down directly.

Cross examination.

Q. When was this done?

Fourdan. It was on the 1st of April when they took the vessel away, and this was the fourth.

Q. Why did you not assist the man?

Fourdan. I was afraid of my own life.

Q. How long do you say the prisoner beat the man with the cat?

Fourdan. I reckon half an hour, but cannot be certain to the time.

Q. Was Wells there all the time you was there?

Fourdan. He was.

Q. Would not the man have recovered, if Fitzgerald had not cut him?

Fourdan. No, he was not capable of recovering; he had a little motion, but appeared like a dead man; he was quite out of his senses.

Q. Did he cry out?

Fourdan. He did not at last, he did at first; he cried, *Saccare! saccare!* that is, *Enough! enough!* that was in the whipping; his back was all cut with the cat; he made no noise after the prisoner had done, but he hung down his head; when Fitzgerald came, he was as if he was quite dead; he required no farther cruelty to make him a dead man.

Q. What reason could there be in ordering Fitzgerald to cut him, if he was dead already?

Fourdan. I don't know what reason there could be.

Q. What reason was there to get Potts to cut his head off?

Fourdan. That was Potts's own doing.

Q. What wounds do you think occasioned his death?

Fourdan. I think the wounds on his head destroyed him; they were given him at the beginning.

Q. Did Fitzgerald do what he did on his own accord, or by the prisoner's order?

Fourdan. By the prisoner's order; when he cut him, his head was hanging down upon the rail.

Q. How came the prisoner to be taken up?

Fourdan. I took him up myself; from the first to the last I intended to take him up for what he had done.

Q. from prisoner. Whether I was not the person that saved the schooner, on the 22d of March last?

Fourdan. There was a pirate coming to windward, we fired a couple of swivels at her; the prisoner was then upon the watch, and he called and acquainted the captain of it, which was his duty so to do.

Q. from prisoner. Whether you did not say you knew there was plenty of gold-dust, and we could get plenty of provisions at such a place?

Fourdan. That was the day after the prisoner had taken possession of the ship.

Q. from prisoner. Did you not advise to go on board a Dutch snow?

Fourdan.

Fourdan. That is all false: I wish we had gone on board a Dutch snow, that would then have recovered our vessel.

Q. How long had you sailed in the ship Polly?

Fourdan. But about six months.

Q. The mate called the prisoner boatswain, was he a boatswain?

Fourdan. He had been boatswain on board a Guineaman, but he was not boatswain of our ship.

Q. Had you ever heard the prisoner talk of running away with the ship before he took possession of her?

Fourdan. No.

Prisoner's defence.

I am innocent of the affair; you may say I am not, because I was on board the vessel; they were on board the vessel as well as I was; I was not the ringleader; had it not been for these Albany men coming on board, this would never have been laid upon me; I was in a better way to live than to go to live in that manner: please to ask the last evidence, whether he was asleep or awake at the time he says this thing was acted about the black?

Fourdan to the question. I was awake before that, and saw the thing done.

Q. from prisoner. Whether you saw me with a cutlass in order to cut him?

Fourdan. I did see him with a cutlass, and saw him cut the negro in the different parts of his body.

Q. from prisoner. Whether he did not give the black a knife to kill me with?

Fourdan. No, I gave it him to scrape the meat.

Q. from prisoner. Whether you did not threaten to take my life away, when we came to Anamaboa?

Fourdan. No, I never threatened the prisoner in my life.

Prisoner. This is out of spite that he swears against me.

To his character.

James Pulletin. I lived in Bristol twenty-six years; I have known the prisoner twenty years ago; he went to school along with my son;

his parents live very creditable, and he was very dutiful.

Q. Is he of a cruel or passionate disposition?

Pulletin. No; he was as mild a youth as ever could be in the world.

Q. Have you been acquainted with him lately?

Pulletin. I had not seen him for fourteen or fifteen years; I never heard any thing against him.

Jahn Thomas. I am porter to the Ironmongers company; the prisoner was my ship-mate under Capt. Bristow, eight or ten years.

Q. When did you see him last?

Thomas. I believe it is about five or six years since I saw him; he always behaved very well; he was with me in the Achilles and Orange; I was with him in four ships.

George Dean. I am a shoemaker; I have known the prisoner ever since the year 1734; I sailed with him about seven years.

Q. Have you been acquainted with him lately?

Dean. I have not seen him since the year 1761; he was a very diligent good man, no ways addicted to mutiny. *Guilty. Death.*

He received sentence immediately, to be executed on the Monday following, being the 2d of March, at Execution-dock, and his body to be dissected; but was respited till Tuesday the 10th.

A bill of indictment was found by the Grand Inquest against John Winn and John Tomlin, of London, mariners, for that they, on the 3d of April, in the sixth year of the reign of our Sovereign Lord George the Third, King of Great-Britain, &c. one league, or thereabouts, distant from Cape Apollonia, on the coast of Africa, &c. in and on board the ship Polly, whereof John Fox was master, piratically and feloniously did endeavour to make, and did procure, cause, and make a revolt in the ship, against the form of the statute, and turn pirates; and from the care and custody and possession of the said John Fox, the said ship, of the value of 200l. did piratically and feloniously steal, take, and run away with, against the form of the statute in such case made and provided, and against the peace of our Lord the King, his crown and dignity.

As justice had been done to the country by the example of Winn the ringleader, and some circumstances appeared on that trial in the prisoner Tomlin's favour, as to his not being armed when the others were, and his preventing the others when they were proceeding to kill one or two of the men, his Majesty's Attorney General did not produce any evidence against him. He was Acquitted.

A bill of indictment was found by the Grand Inquest against John Fawcett, late of London, mariner, for that he on the 24th of December, in the sixth year of the reign of our Sovereign Lord George the Third, King of Great Britain, &c. with force and arms on the high seas, about the distance of one league from Cruccetta on the coast of Guinea, in Africa, in parts beyond the seas, being then a mariner belonging to a certain ship called Plumper, then appertaining to subjects of our Lord the King, whereof Edmund Brown was master, and then being in and on board a certain boat belonging to the said ship, the same boat, apparel, tackle, and ammunition thereof, of the value of 100*l.* piratically and feloniously did steal, take, and run away with, against the form of the statute, &c. and further, that the said John Fawcett, on the 24th of December aforesaid, being a mariner on board a certain boat called the Elizabeth, whereof one Pyam Blowes was master, did turn pirate, and the said last mentioned boat, and the apparel, tackle, and ammunition thereof, of the value of 100*l.* did piratically and feloniously steal, take, and run away with, against the form of the statute, &c.

John Quinn sworn.

Quinn. I sailed on board the Plumper in October, 1765; we began our voyage from Liverpool, and arrived on the coast of Guinea some time in December; we first anchored near Grand Junk, it is called Grand Bassan.

Q. Who was the master of the vessel?

Quinn. That was Capt. Brown, I did not know his christian name, since I have learned it is Edmund; before we came to anchor at Junk, when we were near the coast, the boats were prepared for trade, and put out.

Q. For what trade?

Quinn. For slaving; I was one of the men that was ordered to go on board the boat Betsey, under the command of Mr. Pyam Blowes, the chief mate of the ship.

Q. Who else were ordered on board that boat?

Quinn. There was the prisoner John Fawcett, Tom King, Abraham Berry, Jeffery Sudworth, besides Mr. Blowes and myself; after the trade and provision was put in, Capt. Brown ordered us to go and trade; we went, and in ten or eleven days we purchased four slaves; we proceeded to a trading town called Cruccetta, where we got one of the four; we arrived there about eight days before Christmas, according to the best of my recollection; there is a bay where boats can anchor; in that harbour there was one boat belonging to the ship Essex, the ship was not there; we arrived in the forenoon, and our second boat came in that afternoon; our second boat is called the Sally.

Q. Who were on board that boat?

Quinn. John Palmer, Joseph Griffiths, and John Murdock. When we came into that bay, Mr. Blowes went into the town to see after some trade, and after the second boat came in, the two mates went to drink on board the Sally, the three mates were there; the mate of the Essex, the Betsey, and the Sally; after that they all three went on board the Essex's boat.

Q. What was the name of the Essex's boat?

Quinn. I do not know.

Q. How long did Blowes remain on board the Essex's boat?

Quinn. The prisoner and others took the boat away that I was in before he came on board again.

Q. Who were left remaining in your boat?

Quinn. There was John Fawcett, Tom King, Abraham Berry, Jeffery Sudworth, and myself; the master was the only man that was out of the boat; then three belong to the Sally came, that was Murdock and Griffiths, and after that Palmer; then we drank; I drank pretty heartily.

Q. Was you fuddled?

Quinn. No, I was not drunk, but pretty much in-liquor; this was in the evening; they agreed to go on board on the Sally again, to take a drink on board her; John Fawcett and

Tom

Tom King went on board her to drink with them; after they went overboard, I lay down on the quarter deck and fell asleep; at the time I awaked by one of them treading on my toes, I bounced up and asked what was the matter; I looked up and saw the sails were set, and the boat was on her way.

Q. What time of the day was this?

Quinn. This was some time in the fore part of the night; I asked if the mate was on board; Tom King bounced up and clapped a pistol to my breast, and swore he would blow my brains out if I spoke a word; then I heard a swivel fired: I saw them all in arms round me, and I saw the three men which properly belonged to the Sally; I ran below, expecting nothing less (as they had not led me into the confederacy) but that I was to be killed.

Q. What was the swivel fired for?

Quinn. That was in defiance; it was either a swivel or a blunderbuss.

Q. Who were concerned in this?

Quinn. Tom King, Joseph Griffiths, John Palmer, John Murdock, and the prisoner; he was standing on the brink of the quarter deck with a pistol in his hand, giving orders to trim the sails to the four men in confederacy with him, in order to get out to sea; I staid below some time till I was called up; the boat was right on her way to go out to sea; we stood out to sea all night; in the morning by six o'clock we observed a boat coming after us; we knew her to be the Essex's boat; we understood she was come to retake our boat. It became quite calm; we rowed, but the boat came up very fast; they flung away their oars, and said it was better to fight than to be rowing in such a warm day.

Q. Which of them said that?

Quinn. Tom King did; then we were called aft by the prisoner; Tom King brought up a Bible which belonged to Mr. Blowes, and ordered every one to swear to be true to John Fawcett, and obey all his commands.

Q. Was Fawcett present at the time?

Quinn. He was; the oath was administered.

Q. Did Fawcett hear it?

Quinn. He did.

Q. Did you take the oath?

Quinn. I did with the others, I dared not refuse it; had I refused it, they would have

known I intended to betray them, and they certainly would have prevented it. After that there was orders to bring up muskets, blunderbusses, and powder, and load the swivels and small arms.

Q. Who gave this order?

Quinn. John Fawcett did, and ordered me to sit down and beat out shot, out of leaden bars which we trade in on the coast; I did so; there were a great many muskets and swivels charged.

Q. How many swivels had you?

Quinn. We had six; the Essex's boat came up to us; I thought it was Mr. Blowes's voice that hailed us, and told us to come on board; John Palmer put down his breeches and bid them kiss that, and bid them shoot at it. After they had engaged some time, John Fawcett hailed them, and said it was better for them to avast firing, for every man should die before they would be taken; then the other boat fired no more, but put about and went towards the place they came from. We put right out to sea, and continued it three days; the first place we made was main land, at a place called Jackey Jack; we met no vessel at that time; we put in there for provision and water, and got both; there were two slaves set on shore, because it was thought they were an incumbrance. There was a freeman, a black, which we took away from Crucetta, he jumped overboard at Jackey Jack and swam to shore. We remained there no longer than while we got our water and yams, and provision; then we put to sea again, and meant to go to Surinam; I think we were a matter of three weeks in attempting it, but we never got there: when they thought they had made half the passage, they found themselves again on the coast of Africa; (they said it was the windward coast) then we agreed to go to St. Thomas's Island.

Q. What was your view in that?

Quinn. Palmer had said he knew the place, and it was a good place to go to.

Q. Who were by when he said this?

Quinn. They were all five sitting drinking when this was said; Tom King also said he knew that island.

Q. Did you get there?

Quinn. We did; but before we got there we got to an island called Sandipoe; all hands went on

on shore there to get provision; after that we got to St. Thomas's; this was about two months after they took away the boat.

Q. What became of the other two slaves, you said you had got four?

Quinn. We were driven upon main land coming to an anchor near the beach; the wind began to blow when we went to weigh anchor; these two slaves jumped overboard and swam on shore; the prisoner went and bought some provision, he bought and paid for every thing; he had the charge of every thing; I was under his command then. After he had got as much victuals as he wanted, he took one of the men that brought the provision (a black man of the country) and carried him away in the boat; he stowed him down in the hold, and brought him to St. Thomas's. At St. Thomas's the prisoner dressed himself and went on shore as a captain; there were particular orders none of us should go on shore, nor no canoe come along side of us; the prisoner carried this black man on shore with him, and I heard him say afterwards that he sold him to the governor.

Q. What is the governor's name?

Quinn. I do not know; there is one Capt. Andrews, he serves as linguist for all our English merchants.

Q. How long did your boat remain there?

Quinn. She remained there till the next day; the prisoner brought men in Capt. Andrews's name, to come and take out things from our vessel, guns, powder, and one thing and another, till they emptied her of all her merchandise and ammunition; the prisoner being on shore, he made bargains; there were nobody of us on shore but Tom King as the second on command.

Q. Did you see the order?

Quinn. I read and saw it too.

Q. Was it a written one?

Quinn. It was.

Q. What became of you all after the provision was gone?

Quinn. We staid on board till the time they wanted to clean her.

Q. How long was that?

Quinn. That was not a week; when we came nigh to shore, and the prisoner being on shore, I got an opportunity and went on shore; I never told any what my intent was; I went

to the governor (not knowing but he understood English) with intent to get the prisoner brought to justice; I meant to complain of those five in particular; I addressed myself to the governor, he did not understand English; he sent a black man along with me to Capt. Andrews, and that black man was to tell Capt. Andrews my complaint: Capt. Andrews instead of giving me satisfaction abused me, and said if he saw me about his house, he would put me in the strong caffle.

Q. Was Fawcett in his house at that time?

Quinn. I did not see him.

Q. Did any of the other boats come on shore?

Quinn. Coming back again I met with Jeffery Sudworth and Abraham Berry; I asked them where they were going; they said to the governor; I told them how he served me, and how I went to Capt. Andrews, and what treatment I met with; then we thought to go to one Captain John; we happened to go to his house accidentally all three of us; Abraham Berry and I remained with him about two months in his house.

Q. What countryman is he?

Quinn. He is a proper native of the island.

Q. Could he understand you?

Quinn. He could understand a little, and but a very little; Sudworth went to live with another gentleman; after that I heard the Pitt cutter was out; I had been in the plantation with this gentleman, to lend him a hand in looking over his slaves; I went down to shore, and I happened by chance to meet with the ship Brilliant, Capt. Billings, master; he told me Capt. Osbourn was on shore, by whose directions I got on board the Pitt cutter, where I told the same as here; he did all in his power to get the prisoner to bring him to justice, but to no effect. This Andrews signified he knew nothing of the man, and if I wanted him I might go look for him; all this I had from the captain of the Pitt cutter while I was on board her. When I came on board there were John Palmer and Jeffery Sudworth: Capt. Cleveland of the Phoenix, did his endeavour to get the prisoner, and he did get him; I saw him brought on board in a boat; this was near a month after I was on board the Pitt cutter.

Q. Did

Q. Did you see any other of these five persons brought on board?

Quinn. I saw John Palmer on board; Capt. Cleveland died there, and Capt. John Mackintosh took the command; I came to Spithead on board the ship Phoenix, there came also John Fawcett, Abraham Berry, and Jeffery Sudworth.

Q. Was the prisoner brought home as a prisoner?

Quinn. He was, and so was John Palmer.

Q. from prisoner. What time did I go out of the boat to go on board the other boat belonging to the Essex?

Quinn. That was late in the evening.

Q. from prisoner. What did you say to me?

Quinn. I told the prisoner not to go on board; his answer was he would not stay long.

Q. from prisoner. How long did I stay there before I came on board the Betsey?

Quinn. I cannot be a judge of that by reason I slept, so how long I cannot tell.

Q. What was the name of that boat you belonged to?

Quinn. It was the Betsey or Elizabeth.

Q. How near is the island of St. Thomas to the coast of Africa?

Quinn. It is not very far, but I cannot tell how far.

Q. Do ships go for slaves there?

Quinn. No; they buy slaves there sometimes.

Q. What nation does that island belong to?

Quinn. That belongs to the Portuguese.

Q. from prisoner. After provision became short, whether if it had not been for King and the rest of the people I should ever have been drawn in?

Quinn. I heard the prisoner say, if it had not been for King and the rest of the people he should not have been there.

Q. Where was you when you heard him say this?

Quinn. It was before we got to Fernandipoe.

Q. Upon what occasion did he say this?

Quinn. That was upon a quarrel; they fell out, they had high words, and I believe the prisoner struck him.

Q. What did they quarrel about?

Quinn. That I cannot say.

Q. What answer did King make to that?

Quinn. He did not make much reply, because he was not able to fight the prisoner; the prisoner would have licked him had he spoke much.

Q. Did the prisoner after this conversation with King, still continue acting as captain?

Quinn. Yes, he did.

Abraham Berry sworn.

Berry. I was a sailor on board the Plumper; I was one reckoned not able (that is, not an able sailor.)

Q. Where did you first go on board?

Berry. I went first on board at Liverpool some time in September; she was bound to the coast of Africa; we went to Grand Junk; I was ordered by the captain to go out into the Betsey, one of the trading boats; Mr. Blowes was the chief commander of the boat.

Q. Who went on board that boat with you?

Berry. There was Jack Fawcett, Tom King, Jeffery Sudworth, John Quinn, and myself.

Q. Who do you mean by Jack Fawcett?

Berry. The prisoner is the man; we went along the coast a flaving: when we came to Cructetta there was a boat belonging to the Essex, a strange ship; our commander, Mr. Blowes, went on shore to get some slaves; when he came on board, our second boat came in, our second mate was commander on board her; he came on board our boat to our commander, and the boat that brought him went back to our second boat again; after that our second commander went on board the Essex's boat; then the three commanders were on board that boat; there came two men from our second mate's boat, that was Jack Murdock and Joe Griffiths, on board our boat; they began to drink one with another; then they two went on board their own boat again, and Tom King and Jack Fawcett with them; then I went to sleep, and slept till ten or eleven at night; I found when I awaked, Jack Fawcett, Tom King, John Palmer, Joe Griffiths, and Jeffery Murdock on deck; I saw one cable was cut, and the other cable hauled from the anchor, and the sails were set: there was a swivel fired on board our boat, I do not know

by who; I was ordered into the cabin, to take care of the candle; then I was ordered to bring them up a keg of brandy.

Q. Who gave you these orders?

Berry. Tom King did.

Q. What countryman are you?

Berry. I am a Swede; they stood to sea all that night; I went up aloft, and saw a boat coming astern right after us.

Q. Who ordered you aloft?

Berry. Jack Fawcett did; this was just at the beginning of day-light; then they were ordered to their oars; they rowed till dinner-time that day; then the boat came up with us; then Tom King told Jack Fawcett they had better haul their oars in, and make ready to fight; then Tom King called for a Bible, for the people to swear to be true to Jack Fawcett, as commander over them.

Q. Did you take the oath?

Berry. I was obliged to kiss the book; part of the oath was, to die before we would be taken, or blow the boat up: the boat came up close to us; then they began to fire upon us, and we fired upon them again.

Q. Which called you up?

Berry. Tom King and Jack Fawcett were together, but Tom King took the Bible to swear us.

Q. Whose voice did you hear when you was called up?

Berry. It was Tom King's voice that I heard; I was ordered to give them some matches.

Q. Which ordered the people to fire?

Berry. Jack Fawcett and Tom King; they were both concerned, they both spoke.

Q. How long did the firing continue?

Berry. It continued about half an hour; the people in the other boat asked them if they would come back.

Q. Who asked that question?

Berry. I don't know who it was; I heard it; Jack Palmer said he would see them d—d before he would return; when the other boat saw they had no chance, they went back to shore, and we continued going out to sea all that day and night; the arms were on the quarter-deck, all charged: the next morning we came to shore again, lower down the coast; in the evening we came to an anchor at a place

called Jackey Jack; there they put two slaves on shore, and got some water and yams, and provisions.

Q. When Palmer said he would not come back, was any thing else said?

Berry. I did not hear any body else say any thing. At Jackey Jack there were some black fellows brought provisions on board, for which we gave them goods from on board our vessel, by way of exchange; they were goods we took out of the Plumper, to trade with; Jack Fawcett and Tom King bargained; after that we sailed; they were going, as they said, to the West Indies, to a place called Surinam; then provisions began to grow short, and they called all hands into the cabin, and it was there agreed to bear away to the island of St. Thomas.

Q. Who called the people together?

Berry. Jack Fawcett and Tom King did.

Q. Which acted as commander?

Berry. Jack Fawcett did; it was Jack Fawcett that said we shall go to the island of St. Thomas.

Q. Where was you then?

Berry. I was then at the helm; and Jack Fawcett gave me orders to steer for St. Thomas's island, and in about eight days time we made shore in there: six of us went on shore, and got some water; there were some black fellows there; when they saw our arms, they ran away, the people would not trade with us: then we began to fire at them, and they ran into the bushes; Jack Fawcett got some fire, and set the houses on fire, after they were run into the bushes: we had a black man on board, which we brought from the coast of Guinea, Jack Fawcett took and sold him to the governor at St. Thomas's; he went on shore as the commander of the boat.

Q. from prisoner. What was the first thing done when you awaked?

Berry. I was put down into the cabin directly.

Prisoner. He mentions but one place we went in at, before we came to the island of St. Thomas, but I say we went in at two places.

Q. How many places did you put in at before you went in at St. Thomas's?

Berry. I am sure we went in at three places, before we went in there.

Prisoner:

Prisoner. We had a man died in the boat; where did he die?

Berry. That was betwixt the island of Fermandipoe and the main land.

Jeffrey Sudworth sworn.

Jeffrey Sudworth. I shipped myself on board the Plumper, before the mast; she belonged to Liverpool, bound to the coast of Africa; we proceeded from Liverpool there.

Q. Who was master of the ship?

Sudworth. Captain Brown was; Pyam Blowes and Mr. Mackenzie were mates; the prisoner was on board the ship.

Q. Do you remember, in the course of your voyage, being at Crucetta?

Sudworth. I do; there was a schooner fitted out, in order to trade upon the coast, named the Beisley, Pyam Blowes was made commander of her; John Fawsett, Thomas King, John Palmer, John Quinn, Abraham Berry, and I, were on board her; we went first down to leeward, there we traded for three slaves.

Q. Which was the place you last had Pyam Blowes on board?

Sudworth. That was at Crucetta.

Q. Do you remember his going out?

Sudworth. I was asleep when he went out of the boat; he went on board a boat belonging to the Essex: when I awaked, which was about ten or eleven at night, they were making sail; she was adrift; her anchor was up, and she making sail; they had set the fore-sail, but had not cleared away the main-sail; I saw Palmer first; I said to him, In the name of the Lord, what are you about; said he, We are going to take away the boat.

Q. Was the prisoner then in the hearing of that?

Sudworth. He was, I spake loud enough for him to hear me; John Fawsett ordered me to clear away the main-sail; it was cleared according to his order; we stood right out to sea.

Q. Who had the command of the vessel?

Sudworth. John Fawsett and Thomas King; Fawsett acted as captain, and King as his mate; the next morning, just at day-light, Fawsett ordered Abraham Berry to go to the

main-sail, and see if he could see any thing; he went up to the mast-head, and said he spied a boat standing out right from the land after us; soon after that, Fawsett ordered him down, to get to the oars; he came, and we rowed hard.

Q. How many oars had you?

Sudworth. We had four; Berry, I, Quinn, and, I think, Griffiths, rowed; the vessel kept her course after us; when she came pretty nigh, Thomas King and Fawsett ordered the oars to be laid in; said King, I think we might as well fight them, as to be toiling ourselves with rowing.

Q. Was Fawsett by at the same time?

Sudworth. He was; she came up with us; Abraham Berry was ordered by Fawsett and King, to make a fire, and get matches; a fire was accordingly made; then Fawsett ordered Quinn to make some shot, to knock them out of some leaden bars that we had to trade with; he ordered the swivel guns to be loaded; he also ordered a great many small arms up, to be loaded; I was ordered to help; then Fawsett and King ordered all of us to take an oath, which was given upon a Bible, which was fetched out of the mate's cabin; that is, Mr. Blowes's cabin.

Q. Who fetched it?

Sudworth. I think that was Joseph Griffiths fetched it; we were all sworn to be true to John Fawsett, commander, and Thomas King the mate.

Q. Was Fawsett by at the time?

Sudworth. He was.

Q. Did you take the oath?

Sudworth. I did, as I was sitting at the helm.

Q. What boat was it that came after you?

Sudworth. The boat belonging to the Essex; they asked us if we would come on board; Tom King and John Palmer answered, they would see them d——d first; the prisoner was then on the quarter-deck; after that they fired, and we engaged her; they asked us another time if we would come on board.

Q. Do you know who it was that asked you that?

Sudworth. I know it was Pyam Blowes's voice; I could see him as I was sitting at the helm, he was forward in the boat; he asked them if they would come on board, and go to the

the ship along with him; Palmer turned his backside up, and said they might shoot at that; the prisoner was firing the swivels at the time; they stopped for a minute or two, while they had that conversation; but they fired before and after that.

Q. Could your shot reach them?

Sudworth. A musket-shot might; John Murdock fired with a musket.

Q. How long might the firing continue?

Sudworth. Perhaps it might continue half an hour.

Q. What time of the day was this?

Sudworth. I believe this was some time in the forenoon, about eleven o'clock; the boat put about, and stood away for land again; Tom King said, before he would be taken, he would blow the boat up, and all the crew.

Q. Was the prisoner in the hearing of this?

Sudworth. He was aft all the time upon deck; King was upon the main-deck, and he upon the quarter-deck; he might very well hear all that King said.

Q. Did Fawsett say any thing to contradict it?

Sudworth. No, he did not; we stood out to sea best part of the night, and then we stood in for land again; we saw some ships lying near shore; then we stood out to sea again; the next land we made was the main land, where a free negro, which we had on board jumped overboard, and swam on shore, and we put two other blacks on shore; we were getting in some victuals at a place, they took a free negro, and put him down into the hold; and when we got to St. Thomas's island, Fawsett dressed himself, and went on shore to Capt. Andrews, and ordered the goods on shore; he came for them himself; I heard him order King to send the goods on shore.

Q. From the time of going from Crucetta, who acted as commander of the boat?

Sudworth. Fawsett did.

Q. from prisoner. Was you on board or on shore, when you heard me giving orders to King to send the goods on shore?

Sudworth. I was on board, standing by King; Abraham Berry and John Quinn were on board at the same time.

Q. from prisoner. Where were these goods to go to?

Sudworth. He ordered King to go on shore with them to Capt. Andrews; this was at the island of St. Thomas.

Q. from prisoner. Was there not a dispute between Pyam Blowes and Tom King?

Sudworth. Yes; Mr. Blowes ordered Tom King to take care of the boat; he went out, and when he came again, Tom King had sold something for some ivory, and Mr. Blowes said he would tell the captain of it, when he came to the ship; after this, Mr. Blowes went on board the boat belonging to the Essex; we called at Fernandipoe, and watered there; Fawsett and King went to see if they could find a house; and, after we had watered, we went to see if we could find any houses in another part of the island; then we stood out, and made the main land, and got some provisions there; Fawsett sold some kettles and brass pans, and guns, and other things; we got some yams and cocoa leaf; coming away, said Fawsett, Let's have a fire; he got a fire-stick, and set fire to the houses, and burnt them down; the people did not understand us, and they had ran away.

Prisoner's defense.

I belonged to the ship Plumper. On the 22d of October we sailed from Liverpool for the coast of Africa, Capt. Brown, commander. In a short time after we had been clear of the land, the head of our foremast was carried away; the chief mate, second mate, and carpenter told the captain the ship was not fit to proceed on her voyage; the captain said he should not come back; the chief mate said, if you will put back we can make Falmouth; the captain said he would not. Soon after there was a dispute about the provision, we were very short of provision; I come from the helm about twelve o'clock and went forward, and said, have you got your dinners; they said, no, they had nothing to eat; I said, how so; said they, there is not enough for a man to subsist on 24 hours. At one o'clock the boatswain called all hands; nobody moved: the chief mate came forward, he said, you rascal, to one of the men, why don't you get up and go to work; said he, if I eat my dinner I shall have nothing for supper; the mate took up a rope and

and knocked him down twice; I said, Mr. Blowes, that is a very uncommon weapon; he said, d—n his blood, a rascal, he deserves no better; I turned about and observed the captain, second and third mates, and the gunner, with pistols and cutlasses in their hands; the captain came forward and struck several of the people; the second mate made a stroke at a man and cut him four or five inches in the head, and put one of the men's hands and legs in irons, and would not let the doctor go to look at him; the captain's orders were, they should have a pint of water and a biscuit each day, and the first man that opposed him, he would shoot him; we continued on our voyage, and had some better allowance; there was one of the men, the captain never let him go out of his irons but once a day; another of them said to the captain, Sir, it is of no service to you to keep me thus in irons; if I have done any ill, I am sorry for it: the captain said, You rascal, I'll have no more compassion on you than that (pointing to a piece of timber.) I was determined to get into one of these boats, to go a trading, in hopes of meeting with one of his Majesty's ships, where I might be used better. I said to Mr. Blowes, I should be glad to go in your boat; he said, If you will rig her you shall: I rigged her. Soon after we left the Pike of Teneriffe, one of the Canary Islands, I, the chief mate, and four other people, were put on board her; there were none had been on this coast except King, a foremast man, as I was; we made half Cape Monte, on the coast of Guinea; we stood down along shore, and came to an anchor off Grand Junk; the captain had some acquaintance there, having been a trader there before; there we took in some provision and water; we ran down a great way, but having no success we beat up to windward again; we bought 3 slaves, when we came to a place, I think called Frederica, in the morning, and in the afternoon our second boat came in. This King was the man that used always to hand goods up to the mate; King had sold some cloth, as far as I could learn, and bought some small elephants teeth, called scovellas. The mate (whether he had been on shore or not I can't tell) but he came on board and said, King, I thought I trusted you with this boat when I went out,

and you have stole some of the things out of the boat and sold them; I have not, said King; said the mate, you rascal, as to beating you that is of no service to me, but I'll carry you on board and put you in irons, and there you shall be starved as the rest of the dogs; the mate not being acquainted on the coast, instead of being better provided, we were worse; we asked him for provision; he used to d—n us, and say, if you speak a word I'll carry you on board and put you in irons, and you shall starve as the rest of the dogs do. At night the chief mate was on board the boat belonging to the Essex; they say indeed they were asleep; what sort of people must they be, when there were four slaves on board that would have taken their lives away, had they an opportunity, were there as many more. I was sitting down; I said to King, you know where the liquor is, help us to some; he came and said, the boat is adrift; I said, what do you mean; said he, I have cut the cable, and hauled the other anchor up: for what, said I; said he, I am going away with the boat; I saw this Jeffery Sudworth that gave evidence here, go up and hoist the mainsail up: we stood out for sea, and got near a rock, and were in great danger of being lost; King went and got a musket; then he came and fired it; said I, what is that for; to see whether it will go off, said he; said I, do you imagine we have muskets that will not go off; he laid it down again and began drinking, I saw every body jolly and merry together; I was so dubious I dare not make enquiry, for fear they might take away my life, or throw me overboard, as I could not swim. They stood off to sea till morning, and still drinking of liquor. I saw in the morning another boat coming after us; now, said I to King, you are a very pretty man to do this, and not to let me get out, we shall be taken, and I shall be deemed as bad as you, for the captain is so rigid a man he will no hearken to me, I shall be taken and destroyed before I come home to a christian country: we had a topsail in the boat that I made myself; we hoisted the topsail and got the oars out; said I, she comes up faster than we; said King, they shall not take us; he went and hauled the fore sheet aft, and the jib sheet to windward; they came up and fired a shot, which struck one of the boat's quarters; Pyam

E

Blowes

Blowes called and said, come on board, you rascals, and I'll put you all in irons; said Palmer, no, come on board here, and I'll cut you in pieces for the ill usage I have already had from you. I saw them come up, I thought they were coming to board us; said King, let them come, they shall not board us; said I, we shall be taken and starved to death: they hauled about and stood in shore again. As soon as this was done, King, Palmer, and the rest insisted upon it that I should be the person to carry the boat to St. Thomas's; I said, why do you insist upon my carrying her there, I am not able; if I must do it, I'll do it to the best of my knowledge; at this time we had four slaves in the boat; we stood off all that day, and the next day we came on shore to a place called Cavelley, where we bought a couple of small bullocks, about as big as sheep, and got some water and some wood, and went along shore; going along we saw some ships lying; said King, stay, these ships will send a boat after us and take us; we stood off and came to an anchor at Jackey Jack, where we bought some more provision; we had but two small water casks on board; when we came there, said King, we have not vessels to hold water, I'll send and get some; he ordered Sudworth and Griffiths to see if they could find any vessels that would hold water, and buy them; they went on shore, and said they saw none; then King sent two of the slaves out; there was some dispute between Palmer and King about going to another island; we got what we wanted there, and set off with intent to go to St. Thomas's Island, but before we got there we met with dilly dallying weather; if it had not been for meeting with a couple of porpoises that I struck, we must have starved. There was a dispute between them; I said, I would much sooner run ashore than be starved till we eat one another; I said to King, be advised by me, bear away, let's make the main land, if we are long here we must be obliged to eat one another: we went E. N. E. and that day we made Fernandipoe; there I found four English guns; I believe there had been a vessel cast away; I intended to go up into the country to see for provision, and not to starve, we had but a very little provision; the current sitting too strong we could not beat up where we intended, and were obliged to bear

away for St. Thomas's Island; King ordered Sudworth and Griffiths to go on shore and buy some victuals; they went on shore, but the people would not come nigh them; I have learned since they will not converse with any body but where they can have the power, and they are very barbarous; the men came on board again; I knew I must starve if I did not go and get provision; then four of us went into a small town, where there were but about half a dozen houses made of the bark of trees; the inhabitants were quite naked, and their skins painted red; they had sticks in their hands; one of our people carried a kettle and some cloth, to see if they would trade with us; the people flew from us. I went up to a house, there was a black fellow with a fore foot; I made motions that we wanted food; he asked me in English if we came to trade; I said, no, we wanted something to eat; he gave me some provision: I came down to the boat, and said to King, what do you intend to do in this affair; said he, I saw yams enough in the town, I determine to have some of them; he told Palmer they put the two bullocks in the hold, and sent all the bags in the boat; when we got up to the town, King fired a pistol; the people all ran away, and we took what there was in the town, yams and the like, and carried them on board the boat; there were some wigwams made of the bark of trees, they were set on fire by somebody, but I don't know by who. Then we were for going to St. Thomas's; I thought to get to England, and acquaint the owners of this unfortunate affair, but we could not; when we came to anchor we took the two black fellows out of the irons, they jumped overboard and swam ashore; then we went higher up, where more people came with yams; a man came with provisions and King seized him, and shoved him down the hold, and set off for sea. We imagined the Swede that has given evidence, to have the best eyes; we sent him up aloft to see what he could see; he went up and said he saw a sail ahead; about twelve o'clock we came up with the vessel; I hailed her; there was a black fellow on board that could speak English; he asked where we came from; I told him, and that we were bound for the Island of St. Thomas; he said he was bound there; I said, I should be glad if they would

would let a man come to us, to help carry us there. He asked what we would give him; we had no money, so I said, I believe we should find the island without him. Our due course was N. N. W. to St. Thomas's island; we passed the island at first, but putting about, we found it, and came to an anchor. I went on shore; I went and found Capt. Andrews, who told me, if I acquainted the governor of it, I should be kept in goal; he advised me to say nothing about it, till I could contrive to get a passage to England. The governor got knowledge of it, and asked him who the boat belonged to; he told him to the King. The governor ordered some of the goods to be sent to the custom-house, and some to Capt. Andrews's; after that I was taken prisoner by Lieut. Potts, under Capt. Cleveland, and brought home a prisoner.

Q. to Quinn. Were you at short allowance?

Quinn. We were; that was before we got to Fernandipoe, after they took away the boat.

Q. Were you at short allowance soon after setting out on the voyage?

Quinn. I don't know what you call short allowance, I know I could have eat more if I could have got it; we were much in want of provisions when we were beating towards St. Thomas's island.

For the prisoner.

Thomas Ayres. I am an armourer, and live in the borough of Southwark; I served his Majesty about nine years, the last ship I was on board of was the Norfolk; I know nothing of the prisoner; I happened to go into the Marshalsea prison, on the 25th of October last, there I saw Quinn; there was a man named William Walker, that came from Portsmouth, who was tried by a court martial; he came home in the Phoenix, the ship these evidences came home in: Walker asked Quinn how he did; Quinn said, Ask my a—e, you are a good for nothing scoundrel, or you had called to see me before now. Walker replied, it had not been in his power to treat him with any thing, or he would have came and seen him before then; but he said he had then the price of a pot of beer, if he would take part of it.

Quinn refused it, and said he had a shilling a day allowed him, so would not be beholden to him. Walker asked him what was become of the rest of his fellow-sufferers; he said some were dead, some d—d, some at hell, some at Newgate, and some discharged; he asked what was become of Fawcett: Quinn said he was in Newgate; the other said, I wonder you are not along with him, by all account you was a greater aggressor than he. Quinn said, He is a scoundrel, and so are all they that take his part. Said Walker, I have heard you say several times, he had no hand in cutting the boat adrift. Quinn did not deny it, but said, You rascal, he used me very ill while he was captain in the boat, and he has seen his days, and I hope to have the pleasure to see him put out his tongue at the sheriff; and hoped he would not die in Newgate: then Quinn and one of the other witnesses took arm in arm, and said, We'll do for him: at last they said, We will not open our mouths to satisfy every body.

Q. to Quinn. What do you say to this?

Quinn. I was walking in the yard along with the other two evidences; I saw this evidence and Walker; Walker called to me; they began to ask me questions, and I thought not proper to satisfy any body; and all that did, I gave them bad answers, and bid them go about their business.

The other two witnesses being asked, declared they did not hear or say any thing of the kind as Ayres had deposed.

George Pearson. I was second officer on board the Duke of Gloucester Indiaman; the prisoner sailed with me; he acted as quartermaster; during which time he behaved with diligence and sobriety, and was obedient to command, from the beginning of the year 1764, to the latter end of July, or middle of August.

John Stevens. The prisoner was in the Gloucester with me seven months; I have the same opinion of him as Mr. Pearson has mentioned.

Joseph Newton. I have known him from his childhood; I never knew him guilty of any bad action to hurt or injure any body, in person or property, in any respect.

John

John Edwards. I knew him seven months in one ship, and fourteen in another, a very sober, quiet young fellow.

Hans Newsham. I have known him about two years and a half, he lodged with a neighbour by me; I always took him to be a well behaved young man.

Thomas Maplin. I have known him about four or five years; I always took him to be a very diligent sober man.

Elizabeth Benson. I have known him nine or ten years; he was always willing to work, and do his endeavour in an honest way. Guilty. Death. Recommended to mercy.

He received sentence to be drawn upon a hurdle to the place of execution.

The court then adjourned to Tuesday the 5th of May, at nine o'clock in the morning, in the common hall, Doctor's Commons.

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